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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

W.P.NO. 5501 / 2005

Petitioner : Dhruv Narayan Pandey
S/o Late R.R.Pandey,
Aged about 62 years,
Advocate, R/o Sadar Road,
Jagdalpur,
Dist : Bastar– (C.G.)

Versus

Respondents : 1. State of Chhattisgarh
Through The Secretary
Law & Legislative Affairs Mantralaya,
Raipur, Dist : Raipur-(C.G.)

2. The Dy.Secretary
Law and Legislative Affairs
Department Raipur,
Dist : Raipur-(C.G.)

3. The District & Sessions Judge,
Bastar, Dist : Jagdalpur-(C.G.)

P.O. No. 5588/05
Presented by Shri Sanjay Bhanu
dated... 05/10/05

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

WRIT PETITION NO.5501 OF 2005

Dhruv Narayan Pandey

Versus

State of Chhattisgarh and others.

Present: Mr. Prafull Bharat, learned counsel for the petitioner.

Mr. N.K. Agrawal, Dy. A.G., with Mr. Sandeep Dubey, learned G.A., for the State of Chhattisgarh.

ORAL ORDER
(Passed on 21st November 2005)

The following Order of the Court was passed by

S.R. Nayak, CJ: -

Rule nisi. With the consent of the learned counsel for the parties, the writ petition was heard finally.

2. The petitioner is an Advocate. By an order dated 11/05/1990 the petitioner was appointed as Notary of Jagdalpur Civil District and his appointment was renewed from time to time. His appointment was last renewed by an order dated 17/06/2002 up to 11/05/2005. The petitioner, before expiry of his appointment, on 24/02/2005 made an application to renew his appointment. His request was turned down by respondent No.1 by order dated 26/09/2005, marked as Annexure-P/3, produced at page 15 of the material papers. Being aggrieved by the said rejection, the petitioner has preferred this writ petition under Articles 226 and 227 of the Constitution of India.

3. I have heard learned counsel for the petitioner and learned Dy. Advocate General for the State.

4. It was contended by learned counsel for the petitioner that the impugned order could not be sustained in law because it smacks of arbitrariness and unreasonableness. Learned counsel would also contend that the order is not speaking order inasmuch as it does not disclose any reason for rejection.

5. Having heard learned counsel for the parties, I am of the considered opinion that the Government has arbitrarily rejected the application of the petitioner for renewal though it is not the vested right of the petitioner to seek renewal as a matter of right or as a matter of course. It is expected of the Government to treat the application of the petitioner fairly and reasonably. The impugned order does not disclose any reason whatsoever which weighed with the Government to reject the application of the petitioner dated 24/02/2005 for renewal. In that view of the matter, the impugned order could not be sustained in law.

6. In the result and for the foregoing reasons, the writ petition is allowed and the impugned order (Annexure-P/3) dated 26/09/2005 is quashed and the proceedings are remanded to the State Government with a direction to consider the application of the petitioner dated 24/02/2005 *de novo* and pass appropriate order in accordance with law as expeditiously as possible, at any rate within a period of two months from the date of receipt of copy of this order.

Sd/-
Chief Justice